

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ

**MOTION FOR LEAVE TO FILE REPLY MEMORANDA TO THE
GOVERNMENT’S (1) RESPONSE TO MR. FARIZ’S MOTION TO SUPPRESS
SEARCH WARRANT EVIDENCE, (2) FISA CONSTITUTIONALITY
MEMORANDUM, AND (3) UNCLASSIFIED FISA MEMORANDUM**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, and pursuant to Local Rule 3.01(b), respectfully requests leave of this Honorable Court to file reply memoranda to the (1) Response of the United States in Opposition to Defendant Fariz’s Motion to Suppress Search Warrant Evidence (Doc. 843), (2) Government’s Memorandum Regarding the Constitutionality of the Foreign Intelligence Surveillance Act (“FISA”) (Doc. 844), and (3) Government’s Unclassified Memorandum Regarding the Disclosure of FISA Applications, Orders and Related Materials and the Authorization and Conduct of the FISA Electronic Surveillances (Doc. 845). As grounds in support, Mr. Fariz states:

1. On January 10, 2005, the government filed two responsive memoranda (Docs. 844 and 845) to Mr. Fariz’s Second Amended Motion for Disclosure of FISA Materials and for Suppression of the Fruits of All Surveillance Conducted under FISA (Doc. 798). The government also filed a responsive memorandum (Doc. 843) to Mr. Fariz’s Motion to Suppress (Doc. 782).

2. Given the length of the government's responses (albeit addressing the arguments of each of the Defendants in its FISA responses), the complexity of the issues involved, and misstatements contained in the government's responses, Mr. Fariz respectfully requests the opportunity to submit a reply memoranda addressing the government's arguments.

3. Local Rule 3.01(b) provides that, after the filing of a response in opposition to a motion, "[n]o other briefs or legal memoranda directed to any such written motion shall be filed or served by any party unless requested by the Court."

4. The Court has granted the motion of Dr. Sami Al-Arian to file a reply to the government's response to his suppression motion, on or before January 24, 2005. (Doc. 848). Mr. Fariz respectfully requests leave of the Court to file reply memoranda on or before January 24, 2005.

WHEREFORE, Mr. Fariz respectfully requests leave of the Court to file reply memoranda to the (1) Response of the United States in Opposition to Defendant Fariz's Motion to Suppress Search Warrant Evidence (Doc. 843), (2) Government's Memorandum Regarding the Constitutionality of the Foreign Intelligence Surveillance Act ("FISA") (Doc. 844), and (3) Government's Unclassified Memorandum Regarding the Disclosure of FISA

Applications, Orders and Related Materials and the Authorization and Conduct of the FISA
Electronic Surveillances (Doc. 845), on or before January 24, 2005.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of January 2005, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender